

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - February 9, 1972

Application No. 11063 - Lilian Nicholson Smith, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of February 15, 1972.

ORDERED:

That the application for a variance from the rear yard, side yard, minimum lot width, to permit subdivision of lot 53 (subdivision to permit carriage house in rear to be on separate lot) located at 414 11th Street, S.E., Lot 53, Square 992, be DENIED.

FINDINGS OF FACT:

1. The subject property is zoned R-4, row dwellings and conversions and concerns applicant's desire to convert a carriage house into a single family private dwelling. The measurements of the carriage house are approximately 35½ by 37½.

2. Applicant seeks a variance pursuant to Section 8207.11 of D.C. Zoning Regulations whereby the property would be subdivided to permit the carriage house in the rear to be in a separate lot.

3. Section 8207.11 requires applicant to present compelling reasons to the Board which would justify the granting of the permit. The onus is upon applicant to make a showing of hardship or undue difficulties and that said grant would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the regulations.

4. Applicant contends that the carriage house as it presently exists is of no economic use and because of its unoccupied status it is extremely difficult to keep it secure. It serves as a dumping deposit in the area and a favorite spot for transients and children to use; also in its present status it is a fire hazard.

5. The carriage house directly abuts an alley which is 30 feet wide and a second alley comes in on the south side of the carriage house, which joins up with the rear alley. The side alley connects directly to the street.

6. No opposition to the application was voiced at the public hearing, however, the record does reflect considerable support in the form of letters submitted by surrounding property owners.

OPINION:

This is a request by the owner of property located at 414 11th Street, S.E., submitted to the Board for a variance from rear and side yard requirements and minimum lot requirements of the R-4 District. The variance would permit applicant to subdivide the larger lot into two separate lots and thereby enabling him to convert the carriage house into a private dwelling.

Many factors pursuant to the Zoning Regulations enter into the undertaking of this project -- among them: Section 1302.2 with emphasis on parking space provisions, Section 1302.2 lot width regarding both lots requiring a minimum of 3,000 square feet, Section 3305.3 side yard for semi-detached dwellings requiring a minimum of eight feet, Section 7507 building on alley lots, and Section 8207.11 which requires the Board to be satisfied that applicant truly suffers a hardship with the property in its present state.

Applicant filed his application based entirely on the original jurisdiction Section 8207.11 and it is this provision that the Board directs its cardinal concern. The Board is cognizant of the practical difficulties that applicant tolerates with the carriage house, but the Board is charged with the

responsibility of screening the request and weighing the hardship against the potential detriment to the entire zone plan if said variance were in fact granted.

It is the Board's considered opinion in light of the facts presented that applicant's motives are sincere but together fall short of warranting the granting of a variance at this time. Procedurally speaking the application will be sustained or struck strictly on the basis of Section 8207.11 which obligates applicant to demonstrate extraordinary difficulties with this particular piece of property. In this respect alone applicant has failed.

The Board in passing notes that other salient sections of the Zoning Regulations are applicable to the case and must relegate the extra record materials submitted to the file following the public hearing to a secondary position.

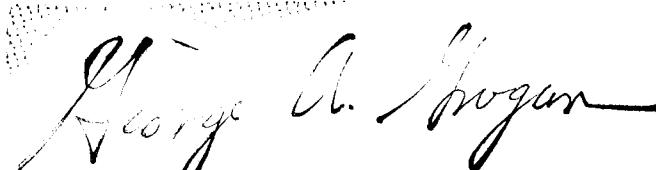
We are of the opinion that appellant has not proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief will not result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we hold that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED

By:



GEORGE A. GROGAN
Secretary of the Board

December 11, 1972